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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,779	09/10/2003	Neville Jimmy Bugli	10541-1817	5612
29074	7590	06/13/2005	EXAMINER	
			GREENE, JASON M	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/659,779	BUGLI ET AL.
	Examiner	Art Unit
	Jason M. Greene	1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2 and 14-16 is/are rejected.
- 7) Claim(s) 3-13 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/10/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “56” has been used to designate both the manifold and the arrow depicting the pre-filter sliding in and out of the intake housing in Fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims

2. With regard to claims 2-16, the Examiner has interpreted the phrase “the air cleaner system” in line 1 to be the air cleaner recited in claim 1. If this interpretation is correct, the Examiner suggests Applicants either rewrite the phrase “the air cleaner

system" in line 1 of claims 2-16 as the "the air cleaner" or the phrase "An air cleaner" in line 1 of claim 1 as "An air cleaner system" to clarify antecedent basis.

3. With regard to claim 16, the Examiner suggests Applicants either change the word "to" in line 2 to "and" or delete the word "between" in line 2 to improve the readability of the claim language.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nepsund et al.

With regard to claim 1, Nepsund et al. discloses an air cleaner for a vehicular engine comprising a pre-filter (4) which receives air flow containing particulates, the pre-filter removing a first proportion of particulates from the air, and a primary filter (5) which receives the air flow from the pre-filter, the primary filter removing a second proportion of particulates from the air, and the air flowing from the primary filter to an air intake (via

air outlet 72) of the engine, the pre-filter being separately serviceable from the primary filter in Figs. 1-3 and 8, col. 4, line 13 to col. 6, line 6 and col. 15, lines 35-45. Since Nepsund et al. teaches removing the pre-filter from the primary filter and subsequently installing a new pre-filter on the primary filter, the pre-filter is seen as being separately serviceable from the primary filter.

With regard to claim 2, Nepsund et al. discloses the air cleaner including a tray (the lower portion of housing 70) in which the pre-filter is positioned in Fig. 8 and col. 5, lines 50-60.

With regard to claim 14, Nepsund et al. discloses the pre-filter being formed of reticulated foam in col. 7, line 41 to col. 8, line 44.

With regard to claim 16, Nepsund et al. discloses the first proportion of particulates being 60% of the particulates by mass in col. 8, lines 58-65.

6. Claims 1, 2 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Donachiue.

With regard to claim 1, Donachiue discloses an air cleaner for a vehicular engine comprising a pre-filter (30) which receives air flow containing particulates, the pre-filter removing a first proportion of particulates from the air, and a primary filter (not shown,

part of 12) which receives the air flow from the pre-filter, the primary filter removing a second proportion of particulates from the air, and the air flowing from the primary filter to an air intake of the engine, the pre-filter being separately serviceable from the primary filter in Figs. 1-3 and col. 2, line 19 to col. 5, line 11.

With regard to claim 2, Donachiue discloses the air cleaner including a tray (the lower annular plate 34) in which the pre-filter is positioned in Fig. 1 and col. 4, lines 51-64.

With regard to claim 14, Donachiue discloses the pre-filter being formed of reticulated foam in col. 3, lines 3-19.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donachiue.

Donachiue teaches the first proportion of particulates being a majority (i.e. greater than 50%) of the particulates by mass in col. 5, lines 2-11. Therefore, the claimed range of the first proportion of the particles being between 50% and 80% of the particulates by mass is seen as overlapping the prior art range of the first proportion of particulates being greater than 50% of the particulates by mass. Therefore, a *prima facie* of obviousness exists which must be overcome through a showing of unexpected or unobvious results.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nepsund et al. or Donachiue as applied to claim 1 above, and further in view of Lefkowitz et al.

Nepsund et al. discloses the pre-filter being formed from a fibrous media material in col. 2, lines 26-41 and col. 12, lines 10-43.

Nepsund et al. and Donachiue do not disclose the pre-filter being formed of felt.

Lefkowitz et al. discloses using felt to form filter materials in col. 1, lines 5-37.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the felt material of Lefkowitz et al. into the pre-filters of Nepsund et al. or Donachiue to provide a pre-filter having an extremely large number of pores available for filtration, a large fiber surface area occupying a relatively small area of fabric, an excellent pore size uniformity, and desirable dimensional stability, as suggested by Lefkowitz et al. in col. 1, lines 3-15.

Allowable Subject Matter

10. Claims 3-9 and 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 3-9, Lee discloses an air cleaner for a vehicular engine comprising a single filter (30) and a tray (formed by slot 38) in which the filter is positioned, wherein the filter is inserted into and removed from the tray by sliding the filter in and out of the tray in Figs .1-3 and col. 2, line 48 to col. 3, line 38.

The prior art made of record does not teach or fairly suggest the air cleaner of claim 3 comprising a pre-filter, a separately serviceable primary filter, and a tray in which the pre-filter is positioned, wherein the pre-filter is inserted into and removed from the tray by sliding the pre-filter in and out of the tray.

With regard to claims 10-13, Nepsund et al. discloses the air cleaner system comprising an intake housing (70) having a tray (the lower portion of the housing 70), wherein the pre-filter and the primary filter are positioned in the intake housing in Fig. 8 and col. 5, lines 50-60.

Donachiue discloses the air cleaner comprising a tray (the lower annular plate 34) and an intake housing (14), wherein the primary filter is positioned in the intake housing, the pre-filter is positioned in the tray, and the tray is mounted atop the intake housing in Figs. 1-3 and col. 2, line 19 to col. 5, line 11.

Aronsson et al. discloses an air cleaner for an engine comprising a pre-filter (15), a separately serviceable primary filter (19), and a tray (the bottom of cylinder cover 29) connected to an air intake housing (pre-filter chamber 13) by a passage (17) formed by an opening in the intake housing (pre-filter chamber 13), wherein the pre-filter is positioned in the intake housing in Figs. 3, 4, 20 and 24 and col. 4, line 15 to col. 7, line 50.

The prior art made of record does not teach or fairly suggest the air cleaner of claim 10 wherein the air cleaner comprises a tray, a manifold connected at a first end to the tray, and an intake housing connected to a second end of the manifold, the pre-filter being positioned in the intake housing.

Conclusion

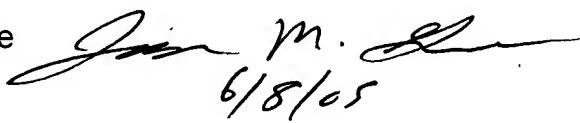
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Chittenden et al., Greeson, Schaerlund et al., Pool, Percy, Andress et al., Rocklitz et al., Dang et al., Pelkey, Palmer, Heilmann et al., Goupil, Jr. et al., Kishi et al., Baumann et al. and Vyskocil et al. references disclose similar air cleaners.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571) 272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
Art Unit 1724


6/8/05

jmg
June 8, 2005